

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PATRICIA LACOURSE,)
Plaintiff,)
v.)
PAE WORLDWIDE INCORPORATED,)
PAE PROFESSIONAL SERVICES, INC.,)
PAE GOVERNMENTAL SERVICES, INC.,)
DEFENSE SUPPORT SERVICES, LLC,)
WITNESS 7, WITNESS 8, WITNESS 9,)
JOHN DOES 1-10)
Defendants.)
)
)

Civil Action No. 17-cv-1031

DECLARATION

I, MICHAEL A. BORDERA, declare as follows:

1. I am a civilian Air Force employee currently serving as the Chief, Aviation and Admiralty Law Branch, Claims and Tort Litigation Division, Air Force Legal Operations Agency, United States Air Force, and I make the following declaration based upon my personal knowledge and information made available to me in my official capacity.

2. I oversee the Aviation and Admiralty Law Branch, which focuses on Air Force aviation and admiralty tort claims and litigation as well as advises all Air Force levels on tort liability issues arising from Air Force operations. The Branch is also responsible for Air Force policy and training on ground and aerospace accident investigations and provides policy guidance and expertise to the Air Staff and Major Commands regarding the conduct of accident investigations. In this position, I act on behalf of the Chief, Claims and Tort Litigation Division,

on requests for official information related to Air Force mishaps under our applicable Air Force *Touhy* regulations (Air Force Instruction 51-301).

3. On May 31, 2017, pursuant to this Court's Protective Order, my office disclosed all Technical Orders requested by Plaintiff's Counsel in the first Motion to Enforce Subpoena *Duces Tecum* pending before this Court. My office determined that of the 25 Technical Orders originally requested, four were duplicate requests. Plaintiff's counsel subsequently requested one additional Technical Order. Thus, on May 31, 2017, my office released all 22 distinct Technical Orders requested by Plaintiff's counsel. *See* Letter from Michael Bordera to John Gagliano et al. (May 31, 2017), attached hereto as Exhibit A.

4. In addition, my office maintains all video that the Air Force units involved in the Air Force accident investigations received of the salvage recovery operation at issue in *Patricia LaCourse v. PAE Worldwide, Inc. et al.*, Civ. Action No. 16-cv-170 (N.D. Fla.), which Plaintiff's counsel also requested. On May 31, 2017, my office produced to the parties all such video not previously provided by the Air Force to the parties in response to Plaintiff's *Touhy* request. Therefore, to the best of my knowledge all such video within the custody of the Air Force has been disclosed in full to the parties.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.



MICHAEL A. BORDERA
Chief, Aviation & Admiralty Law Branch
Claims & Tort Litigation Division
Air Force Legal Operations Agency
1500 West Perimeter Road, Suite 1700
Joint Base Andrews, MD 20762

Executed on the 29th day of June, 2017 at Joint Base Andrews, Maryland

Exhibit A



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE LEGAL OPERATIONS AGENCY



May 31, 2017

AFLOA/JACC
Aviation and Admiralty Law Branch
1500 W. Perimeter Road, Suite 1700
Joint Base Andrews, MD 20762

John J. Gagliano
The Wolk Law Firm
1710-12 Locust Street
Philadelphia, PA 19103

Michael J. Schofield
Clark, Partington, Hart, Larry Bond & Stackhouse
Suite 800, 125 West Romana Street
P.O. Box 13010
Pensacola, FL 32591

Re: *Touhy Request – LaCourse v. PAE, et. al.*

Dear Mr. Gagliano and Mr. Schofield

1. The United States Air Force supplements its response to the Parties' joint *Touhy* request for production as found in Exhibit A to its subpoena and subsequent requests via email. The Air Force designates the information provided herein as confidential and subject to the "Second Amended Protective Order Regarding Confidential Information" dated November 28, 2016, as well as any subsequent modification to both the Second Amended Protective Order and the "Protective Order Regarding the Production of Technical Orders by the United States Air Force" dated May 17, 2017, and modified on May 19, 2017. All responses to the parties' *Touhy* requests will continue to be supplemented as appropriate and applicable.
2. The following supplemental responses are provided pursuant to Department of Defense Directive 5405.2 (32 C.F.R., Part 97) and Air Force Instruction 51-301, *Civil Litigation*.
3. THE PARTIES requested, via email dated February 2, 2017, the Air Force produce the following Technical Orders (TOs):

*IF-16C-2-29FI-00-1WA-1
IF-16C-2-29GS-00-1-WA-1
IF-16C-2-29JG-00-1-WA-1
IF-16C-2-29JG-10-1-WA-1
IF-16C-2-29JG-10-2-WA-1
IF-16C-2-29JG-10-3-WA-1*

1F-16C-2-29JG-30-1-WA-1

1F-16C-4-29-WA-1

1F-16C-2-27FI-00-1-WA-1

1F-16C-2-27GS-00-1-WA-1

1F-16C-2-27JG-00-1-WA-1

1F-16C-2-27JG-00-2-WA-1

1F-16C-2-27JG-10-1-WA-1

1F-16C-2-27JG-20-1-WA-1

1F-16C-2-27JG-20-1-WA-1

1F-16C-2-27JG-40-1-WA-1

1F-16C-2-27JG-60-1-WA-1

1F-16C-2-27JG-60-1-WA-1

1F-16C-4-27-WA-1

1F-16C-2-27FI-00-1-WA-1

1F-16C-2-31GS-00-1-WA-1

1F-16C-6WC-1-11-WA-1

1F-16C-6WC-1-11-WA-1

1F-16C-6WC-1-WA-1

1F-16C-6WC-1-WA-1

Response: Information responsive to this request is provided to the parties via the portable USB hard drives received from the parties. Please note the demand contained 4 duplicate requests, as such, there are only 21 responsive TOs. All information contained within the provided TOs is considered, designated, and marked “CONFIDENTIAL” and “ITAR CONTROLLED” subject the “Second Amended Protective Order Regarding Confidential Information” dated November 28, 2016, as well as any subsequent modification to both the Second Amended Protective Order and the “Protective Order Regarding the Production of Technical Orders by the United States Air Force” dated May 17, 2017, and modified on May 19, 2017. This response will be supplemented as appropriate and applicable.

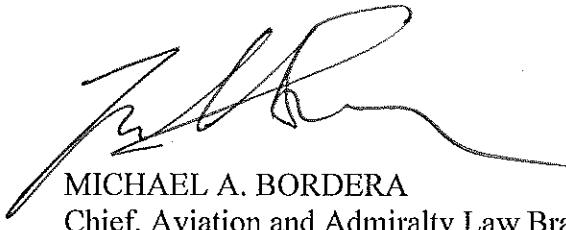
4. THE PARTIES requested, via email dated February 11, 2017, the Air Force produce the following Technical Order (TO):

1F-16C-34-1-1

Response: Information responsive to this request is provided to the parties via the portable USB hard drives received from the parties. All information contained within the provided TOs is considered, designated, and marked “CONFIDENTIAL” and “ITAR CONTROLLED” subject the “Second Amended Protective Order Regarding Confidential Information” dated November 28, 2016, as well as any subsequent modification to both the Second Amended Protective Order and the “Protective Order Regarding the Production of Technical Orders by the United States Air Force” dated May 17, 2017, and modified on May 19, 2017. This response will be supplemented as appropriate and applicable.

5. THE PARTIES requested: “*All photographs and/or video of the mishap aircraft and its wreckage made on or after the day of the mishap.*”

Response: Additional information responsive to this request has been located since our last response and is provided to the parties via the portable USB hard drives received from the parties, containing all videos and associated information created by the United States Navy (USN) during their November 2014 deep drone salvage recovery operation and believed to be in the Air Force’s possession. All information from the USN salvage operation contained within the provided USB hard drive is considered, designated, and marked “CONFIDENTIAL” subject the “Second Amended Protective Order Regarding Confidential Information” dated November 28, 2016, as well as any subsequent modification to both the Second Amended Protective Order and the “Protective Order Regarding the Production of Technical Orders by the United States Air Force” dated May 17, 2017, and modified on May 19, 2017. This response will be supplemented as appropriate and applicable.



MICHAEL A. BORDERA
Chief, Aviation and Admiralty Law Branch
Claims and Tort Litigation Division